

### **REMARKS/ARGUMENTS**

Applicants' undersign representative would like to thank the examiner for the telephonic interview conducted on June 29, 2009. As discussed during the interview, the cited Kuwabara reference does not disclose or suggest any through passages, other than the inlet and outlet passages (5a and 5b), which as taught do not extend from one plate to another, as required by claim 1. The examiner indicated that amending claim 1 to recite inlet and outlet passages, thereby distinguishing them from the through passages, would more clearly distinguish from the Kuwabara reference. Thus, claim 1 has been amended accordingly herein. Further, the examiner suggested claiming that the fluid channels are in the middle of the reactive flow field, which is not taught by the prior art. New claim 16 has been added for this purpose.

Turning to the Office action, claims 7-9, 12 and 14 were objected to under 37 CFR § 1.75(c) as being in improper multiple dependent form. Claims 7-9, 12 and 14 have been amended appropriately to obviate the objection.

Further, claims 1-5, 7, 10, 11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated, or in the alternative under 35 U.S.C. 103(a) as being unpatentable in view of JP 2000-067885 to Kuwabara et al. (hereinafter "Kuwabara"). As described above, independent claim 1 has been amended for clarification, and for the following reasons, the rejection is respectfully traversed.

Regarding amended claim 1, Kuwabara does not teach "several through passages (43, 58) in the plate, from one face to the other" and "*an inlet* (4, 54) for the coolant fluid *and an outlet* (40, 59) for the coolant fluid, said inlet and outlet being in fluid communication with the several through passages (43, 58) via the refrigeration channel (41)," as required. The Office action cites the inlet and outlet (5a and 5b) of Kuwabara as the "several through passages" of claim 1. However, the inlet and outlet (5a and 5b) are not "from one face to the other" as required. Moreover, as amended, claim 1 now separately requires an inlet and an outlet in addition to the several through passages. Thus, Kuwabara clearly does not teach an inlet and outlet being in fluid communication with the several through passages via the refrigeration channel, as required by claim 1.

Accordingly, claim 1 is not fully anticipated by Kuwabara. Since claims 2-5, 7, 10, 11 and 13 depend from claim 1, they are not anticipated for the same reason, and it is respectfully submitted that the rejection under 35 U.S.C. 102(b) should be withdrawn.

Further, it is respectfully submitted that it would not be obvious in view of the teachings of Kuwabara to provide several through passages in fluid communication with the inlet and outlet (5a, 5b) via the refrigeration channel, as required by claim 1 and its dependent claims. Accordingly, it is respectfully requested that the alternative rejection under 35 U.S.C. 103(a) be withdrawn as well.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara. Claim 6 depends from claim 1. For the reasons described above with regard to claim 1, Kuwabara does not render obvious every limitation of the claim. Accordingly, it is respectfully requested that the rejection be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. BRV-40600.

Respectfully submitted,

PEARNE & GORDON LLP

/Aaron A. Fishman/  
Aaron A. Fishman, Reg. No. 44682

1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

June 30, 2009